



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Redding Office

415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

17 September 2008

CERTIFIED MAIL

7004 1160 0006 1206 3243

John Phillips
Sierra Pacific Industries, Shasta Lake Division
3735 El Cajon Ave.
Shasta Lake, CA 96019

CERTIFIED MAIL

7004 1160 0006 1206 3267

David Brown, P.E.
Sierra Pacific Industries
P.O. Box 680
Camino, CA 95709

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0573 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, SIERRA PACIFIC INDUSTRIES, SHASTA LAKE DIVISION, SHASTA COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements (WDRs) Order No. R5-2003-0154 by Sierra Pacific Industries, Shasta Lake Division (Discharger). The Complaint charges Sierra Pacific Industries, Shasta Lake Division with administrative civil liability in the amount of **six thousand dollars (\$6,000)**, which represents the sum of the statutory Mandatory Minimum Penalties for effluent limitation violation that occurred at the facility between January 2004 and June 2008.

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **17 October 2008**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting both this waiver and a letter describing the issues to be discussed to this office by **17 October 2008**; **or**
- Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Daniel L. Warner. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint.

If the Central Valley Water Board does not receive a signed waiver within 30 days of the date of this Complaint (by 17 October 2008), then a hearing will be scheduled for the **4/5 December 2008** Central Valley Water Board meeting in Rancho Cordova. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify a Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Daniel L. Warner, **no later than 5 p.m. on 17 October 2008**. This includes material submitted by the Discharger to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 17 October 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Daniel L. Warner at (530) 224-4848, or Bryan Smith at (530) 226-3425.

Signed by
JAMES C. PEDRI, P.E.
Assistant Executive Officer

DLW/GDD: sae

Enclosures: Administrative Civil Liability Complaint No. R5-2008-0573

cc+encl: Regional Board Members, Central Valley Regional Water Board, Rancho Cordova
Rick Brausch, U.S. Environmental Protection Agency, Region IX, San Francisco
Jason Brush, U.S. Environmental Protection Agency, Region IX, San Francisco
Matthew Kelley, U.S. Army Corps of Engineers, Redding
California Environmental Protection Agency, Sacramento
Department of Fish and Game, Region 1, Redding
Patrick Pulupa, Staff Counsel, State Water Resources Control Board, Sacramento
Lori Okun, Senior Staff Counsel, State Water Resources Control Board, Sacramento
Mark Bradley, State Water Resources Control Board, Sacramento